

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANGELA OLINGHOUSE,

Plaintiff,

v.

SEA MAR COMMUNITY HEALTH
CENTERS, LAURIE STEWARD AND
GAYLE BRANNON,

Defendants.

CASE NO. C14-

NOTICE OF REMOVAL OF CIVIL
ACTION

(Thurston County District Court
Case No. 102207)

To: Clerk, United States District Court
Western District of Washington

Defendant Sea Mar Community Health Centers ("Sea Mar"), by and through undersigned counsel of record, Annette L. Hayes, Acting United States Attorney for the Western District of Washington, and Priscilla T. Chan, Assistant United States Attorney for said District, hereby respectfully files with the Court this Notice of Removal pursuant to Title 28, United States Code, Section 1442, to remove Case No. 102207, from Thurston County District Court to United States District Court for the Western District of Washington.

1 In support of this notice, federal Defendant indicates as follows:

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3 1. On or about March 13, 2014, Plaintiff Angela Olinghouse filed a Complaint in
4 Thurston County District Court alleging that between March 14 and 17, 2011, Defendants Sea Mar,
5 Laurie Steward and Gayle Brannon negligently provided medical care to Plaintiff, resulting in injury
6 and damages.

7 2. The above-referenced state court action may be removed to the United States District
8 Court under 28 U.S.C. § 1442, because, pursuant to the Federally Supported Health Centers
9 Assistance Act ("FSHCAA"), 42 U.S.C. § 233, Plaintiff sued Sea Mar, which is a deemed entity
10 under Section 233, rendering it an individual federal defendant covered under the Federal Tort
11 Claims Act ("FTCA"), 28 U.S.C. § § 2679, *et seq.* See Certification of Annette L. Hayes, attached
12 hereto as Exhibit A. Because the claims alleged in the Complaint sound in tort, the United States is
13 the only proper defendant in this action pursuant to the FTCA.
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15 3. Under Local Rule CR 101(b), Defendant attaches a copy of the Claim in this matter.
16 Defendant will file herewith copies of all records from the state court proceeding.
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18 4. A copy of this Notice of Removal is being served upon all parties to the underlying
19 litigation and will be promptly filed with the clerk of the Thurston County District Court.

20 5. Intradistrict Assignment. Upon information and belief and during the relevant time
21 period giving rise to the allegations of the Claim, Plaintiff was a resident of Thurston County,
22 Washington. Additionally, upon information and belief, the location where the alleged claims arose,
23 is located in Thurston County. Accordingly and pursuant to Local Rule CR 3(d), this case should be
24 assigned to a judge in Tacoma.
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1 WHEREFORE, based upon the foregoing and pursuant to 28 U.S.C. § 1442(a)(1), the above-
2 referenced action is removed from the Thurston County District Court, to the United States District
3 Court for the Western District of Washington.
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6 DATED this 31st day of October, 2014.

7
8 Respectfully submitted,

9 ANNETTE L. HAYES
10 Acting United States Attorney

11 /s/ Priscilla T. Chan
12 PRISCILLA T. CHAN, WSBA # 28533
13 Assistant United States Attorney
14 Western District of Washington
15 United States Attorney's Office
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20 E-mail: Priscilla.chan@usodj.gov
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Western District of Washington and is a person of such age and discretion as to be competent to serve papers;

It is further certified that on this date, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

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I further certify that on this date, I mailed by United States Postal Service the foregoing document to the following non-CM/ECF participant(s)/CM/ECF participant(s), addressed as follows:

Angela Olinghouse
7614 Fair Oaks Rd. SE
Olympia, WA 98513

Dated this 31st day of October, 2014.

/s/ Tara Faulds
TARA FAULDS, Legal Assistant
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